

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 5421

IN THE MATTER OF:

Served September 30, 1998

Application of ACADEMY BUS TOURS, )	Case No. AP-98-40
INC., for a Certificate of )	
Authority -- Irregular Route )	
Operations )	

By application accepted for filing September 24, 1998, Academy Bus Tours, Inc., a New Jersey corporation, seeks a certificate of authority for irregular route operations between points in the Metropolitan District.

Applicant proposes commencing operations with 107 motorcoaches. Applicant's proposed tariff contains mileage rates and hourly rates, with minimum charges.

Applicant controls Academy Lines, Inc., Academy Express, and Asbury Park Transit and Commuter Bus Company. The Compact states that a carrier or any person controlling, controlled by, or under common control with a carrier shall obtain Commission approval to acquire control of a carrier that operates in the Metropolitan District, through ownership of its stock or other means.<sup>1</sup> Approval may be granted if the Commission finds the acquisition is consistent with the public interest.<sup>2</sup> The public interest analysis focuses on the fitness of the acquiring party, the resulting competitive balance, and the interest of affected employees.<sup>3</sup> Applicant will be directed to file a statement addressing the effect approval of this application will have on competition and on affected employees.

This proceeding is hereby initiated to determine whether applicant is fit and whether the proposed transportation and acquisition of control is consistent with the public interest.

THEREFORE, IT IS ORDERED:

1. That applicant shall publish once in a newspaper of general circulation in the Metropolitan District, no later than October 12, 1998, notice in the form prescribed by the staff of the Commission.

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<sup>1</sup> Compact, tit. II, art. XII, § 3(a)(iii).

<sup>2</sup> Compact, tit. II, art. XII, § 3(c).

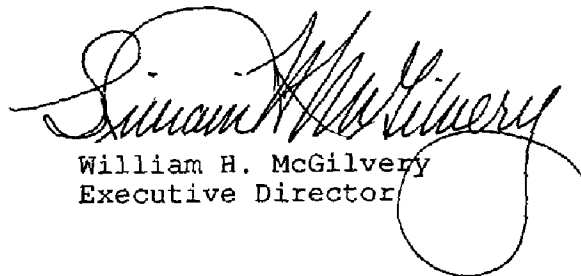
<sup>3</sup> DC Code Ann. § 1-2414 (1992); In re Cavalier Transp. Co., Inc., t/a Tourtime America, Ltd., & Tourtime America Motorcoach, Ltd., No. AP-96-21, Order No. 4926 (Sept. 12, 1996).

2. That applicant shall file with the Commission, no later than November 2, 1998, an original and four copies of an affidavit that notice has been published as required in the preceding paragraph.

2. That applicant shall file with the Commission, no later than October 12, 1998, an original and four copies of a statement addressing the effect approval of this application will have on competition and on affected employees.

3. That the deadline for filing protests, comments, applications for intervention, and requests for formal hearing, is November 2, 1998, and that copies must be served on applicant's attorney, Joseph J. Ferrara, Esquire, Ferrara and Associates, 921 Bergen Avenue, Suite 806, Jersey City, NJ 07306.

FOR THE COMMISSION:

A handwritten signature in dark ink, appearing to read "William H. McGilvery". The signature is fluid and cursive, with a large loop at the end.

William H. McGilvery  
Executive Director